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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,005	09/12/2000	Thomas E. Saulpaugh	5181-66200	6061

7590 01/26/2007
ATTEN: ROBERT C. KOWERT
CONLEY, ROSE & TAYON P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/660,005

Applicant(s)

SAULPAUGH ET AL

Examiner

Greg Bengzon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

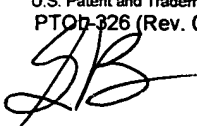
Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

This application has been examined. Claims 1-28 are pending.

Priority

This application claims benefits of priority from Provisional Application 60/202975 filed May 9, 2000.

This application claims priority to various provisional applications. The effective filing date for those claims which do not have proper support in their provisional application is 9/12/2000.

Making Final

Applicant's arguments filed 11/21/2006 have been fully considered but they are not persuasive.

The claim amendments regarding -- *'during a code build process for the device --* do not overcome the disclosure by the prior art as applied in the prior Office Action, as shown below.

The Examiner is maintaining the rejection(s) using the same grounds for rejection and thus making this action FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 12, and 25-28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "computer executable code built in to said device" in Line 5-6 of the claim. It is unclear what this limitation is attempting to describe. This limitation fails to qualify how code is "built in" to a given device, and what constitutes executable code being "built in" to an arbitrary device". There is no readily available interpretation which distinguishes or specifies what is being claimed, including pure hardware, pure stored software, hardware containing software (e.g., integrated/flashable circuit boards), the installation of software on existing hardware, the use of volatile or non-volatile memory storage, or any other embodiment which executes computational methodologies, rendering the claims indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4,8-17,21-28 rejected under 35 U.S.C. 102(e) as being anticipated by Weschler (US Patent 6842903).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Weschler disclosed (re. Claim 1) receiving an address for a service (Weschler-Column 8 Lines 5-10) within the distributed computing environment ; linking said address to a pre-generated (Weschler-Column 4 Lines 15-30, Column 6 Lines 25-30 , 'factory' methods) message interface (Weschler-Column 6 Lines 20-25) for accessing said service, wherein said message interface comprises computer-executable code built

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and loading the message endpoint code and operating code onto the device.

The Examiner notes that data store adapters would inherently involve a schema for accessing the data structures involved.

Claims 9-17,21-28 are rejected on the same basis as Claims 1-4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4,8-17,21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US Patent 6560633) hereinafter referred to as Roberts, in view of Chen et al. (US Publication 20020062334) hereinafter referred to as Chen.

Roberts disclosed message endpoint construction (inter alia, Column 4, Lines 30-31) in a distributed computing environment (inter alia, Column 2, Lines 35-43) where a pre-generated message interface was constructed prior to runtime (Column 13 Lines 15-20, *'templates build the program prior to running'*) to link a service address to a defined message endpoint directive (inter alia, Column 4, Lines 34-38). The message endpoint schema(s) were well known and defined within the boundaries of the XML specification. See, inter alia, Column 4, Lines 12-20. Roberts web service applications

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(WSA) provided access control and interface definitions to application services. See, inter alia, Column 4, Lines 34-38.

Further, Roberts disclosed run-time models (RTM) which served to define the process of the distributed application process. See, inter alia, Columns 7-8. Service calls were described to invoke application processes including reference to any corresponding WSA. See, inter alia, Column 9, Lines 1-8. The use of Java for WSA construction (Column 11, Lines 11-18) as well as XML based messaging (Column 16, Lines 20-24) were fully disclosed.

Lastly, since services were available on the network, and unique addressing/specification/designation of every service was inherent in order for the service to be called, and messaging was fully enabled using XML documents defining both incoming and outgoing format(s) for services, the linking of addresses) to a given pre-generated messaging interface was present. (Roberts-Column 13 Lines 35-40)

However, Roberts did not disclose (re. Claim 1) where the template is built-in to said device.

Chen disclosed (re. Claim 1) distributed dynamic agents to access to web services, wherein said agents are built-in APIs to the said device. (Paragraph 63)

Roberts and Chen are analogous art because they present concepts and practices regarding the use of pre-defined interfaces for web services. At the time of the invention it would have been obvious to combine Chen into Roberts. The motivation for said combination would have been, as Chen suggests (Abstract), to allow the pre-

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defined template by Roberts adjust its capability for accommodating environment and requirement changes.

Response to Arguments

Applicant's arguments filed 11/21/2006 have been considered but are not persuasive.

The USC 112 2nd paragraph rejection is maintained by the Examiner, as the Applicant did not sufficiently address the issues presented in the prior Office Action. The Examiner notes that citations presented above seem to indicate computer instructions [software features] that are included with the (Java) operating system installed on the device.

The limitation indicating 'during code-build process' does not sufficiently clarify the issue regarding the 'built-in' limitation because the code-build process is inherent for any application and may be performed on a static or dynamic schedule.

The Applicant presents the following argument(s) *[in italics]*:

In Weschler's the address at which a plug-in module is stored is not linked to a pre-generated message interface for accessing the service

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The Examiner respectfully disagrees with the Applicant. Weschler disclosed (Column 8 Lines 50-55) a mechanism through which the application can obtain a reference (the URL address) to the service and use it. Where the plug-in is used to generate an interface to the service, and the application casts to the interface (Column 9 Lines 20-25), then Weschler disclosed *linking an address to a message interface* since the plug-in module is associated with said address.

The Applicant presents the following argument(s) [*in italics*]:

Weschler does not describe verifying that messages sent to the service comply with a message schema for the service.

The Examiner respectfully disagrees with the Applicant. Weschler disclosed (Column 7 Lines 18-20) that the '*response message is sent back through API 203 to the appropriate protocol adapter 204 (or built-in adapter 205) to the requesting client application 202*'. Weschler disclosed the verification limitation because determining the appropriate protocol adapter would have inherently included verification for compliance with the message schema for the service.

The Applicant presents the following argument(s) [*in italics*]:

Roberts WSA interfaces are clearly meant to be downloaded and constructed at runtime.

The Examiner respectfully disagrees with the Applicant. As presented in the rejection above, Roberts disclosed where a pre-generated message interface was constructed prior to runtime (Column 13 Lines 15-20, '*templates build the program prior to running*').

The Applicant presents the following argument(s) *[in italics]*:

Roberts or Chen do not teach linking message endpoint code, generated according to a schema defining messages for accessing a service, into executable operating code for a device.

The Examiner respectfully disagrees with the Applicant. Roberts disclosed a regeneration process for a transformed runtime model and fully interactive user interfaces (Column 7 Lines 10-15), where the runtime models follow a schema (Column 7 Lines 45-50).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

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applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

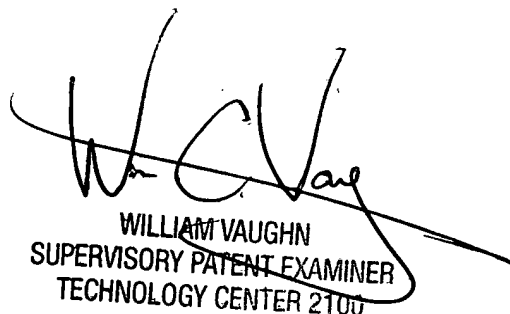
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gcb


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